

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BYRON LEVINGSTON,

Plaintiff,

v.

CHRISTIAN PFEIFFER, et al.,

Defendants.

Case No.: 1:24-cv-00218-SKO

**ORDER GRANTING DEFENDANTS'
REQUEST TO EXTEND DEADLINE FOR
THE FILING OF A RESPONSIVE
PLEADING**

(Doc. 21)

Plaintiff Byron Livingston is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

I. INTRODUCTION

After screening, the Court issued its Order Finding Service Appropriate on April 18, 2025. (Doc. 14.) Service proceeds under the Court's e-service pilot program. (*Id.* at 2.)

On May 28, 2025, the California Department of Corrections and Rehabilitation (CDCR) file its Notice of E-Service Waiver form, indicating Defendants Pfeiffer and San Antonio's intent to waive personal service. (Doc. 16.) On July 1, 2025, Defendants filed the Waiver of Service of Summons form, making their responsive pleading due no later than July 28, 2025. (Doc. 19.)

On July 25, 2025, Defendants filed a Notice of Change of Counsel for Service (Doc. 20) and an Ex Parte Request for Extension of Time to File Responsive Pleading (Doc. 21.)

1 **II. DISCUSSION**

2 Defendants seek a 45-day extension of the July 28, 2025, deadline for filing a responsive
3 pleading. (Doc. 21.) Defendants state that previously assigned defense counsel Chelsey
4 MacDonald resigned from the Attorney General's Office on July 2, 2025, without notice, and
5 Tyler Heath, MacDonald's former supervisor is working with the Supervising Deputy Attorney
6 General to reassign and redistribute the cases previously assigned to Ms. MacDonald. (*Id.* at 3, ¶¶
7 3, 4.) Mr. Heath has other obligations, including supervising a team of deputy attorneys general,
8 and was away from the office on a pre-planned vacations between June 28 and July 5, and July 18
9 through July 23, 2025. (*Id.*) Defendants state that a 45-day extension of time would allow for the
10 pending reassignment to a "new primary DAG" and allow the new attorney time to review the
11 documents and prepare a responsive pleading in this action. (*Id.* at 3, ¶ 6.)

12 Based on the forgoing, Defendants have established good cause for the requested
13 extension of time.

14 **III. CONCLUSION AND ORDER**

15 Accordingly, for good cause shown, the Court **HEREBY ORDERS** as follows:

- 16 1. Defendants' ex parte request filed July 25, 2025 (Doc. 21) is **GRANTED**; and
17 2. Defendants Pfeiffer and San Antonio **SHALL** file a responsive pleading **no later than**
18 **September 11, 2025.**

19
20 IT IS SO ORDERED.

21 Dated: July 29, 2025

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE